

Remarks

Claims 1-3, 6, 10-11, 21-25, and 28-32 are currently pending in the application. With this Response, claims 1, 20, and 28 are amended. The claim amendments are supported by the application as originally filed. Support for the amendments to claims 1, 20, and 28 can be found in Examples 1-5. No new matter has been added. Upon entry of the current amendments, claims 1-3, 6, 10-11, 21-25, and 28-32 are pending. Applicants respectfully request reconsideration and further examination of the application in view of the amendments above and remarks below.

Rejection Under 35 U.S.C. §112

Claims 28-32 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Applicants do not agree with the position taken in the Office Action. A standard for determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed." The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. Here, the specification includes five working examples showing reduction to practice of aspects of the invention displaying different flour to water weight ratios. In the Examples, the flour to water weight ratio ranges from 1.67 (see, Example 2) to 1.82 (see, Example 4). Between these values, three intermediate values of: 1.73 (Example 3); 1.75 (see, Example 3); and 1.81 (see, Example 5) are provided. The flour to water weight ratios for the Examples of the present invention are summarized in the table below.

Example	Flour to Water Ratio
1	1.73
2	1.67
3	1.75
4	1.82
5	1.81

The array of working examples clearly show that the inventors had within their possession the working range of flour to water weight ratios ranging from 1.67 to 1.82. The Office Action states only that... “[t]he examples show specific values but the range includes values that are not disclosed. There is no disclosure of 1.69, 1.70 etc...” However, there is no requirement that the specification disclose all values within a claimed range. Rather, what is required in order to satisfy the written description requirement is that the patent specification describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. This standard is clearly met by the working Examples spanning the range of flour to water weight ratios from 1.67 to 1.82. The Examples were present in this application as filed and show that the inventors had possession of this working range as of the filing date. In view of the foregoing, the rejection of claims 28-32 under 35 U.S.C. 112, first paragraph should be withdrawn.

Rejection Under 35 U.S.C. §102

Claims 1-2, 10-11, 28-32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Freyn et al. (U.S. Pat. No. 5,451,417).

Applicants respectfully traverse the rejection. The rejection of claim 1 is overcome by amendment, as discussed below. The rejection of claim 28 is improper and should be withdrawn.

Claims 1 and 28 specify that the dough composition has a flour to water weight ratio ranging from 1.67 to 1.82. Contrary to the position taken in the Office Action, the dough compositions of Freyn et al. do not have a flour to water weight ratio ranging from 1.67 to 1.82. The Office Action states that Example 6 of Freyn et al. has a ratio of 1.70, and falls within the range of 1.67 to 1.82. Applicants do not agree. In order to properly calculate the flour to water weight ratio, the amount of water contained in the liquid egg component should be included in the calculation. Using a water content of 76% wt. for liquid eggs, Example 6 of Freyn et al. has a flour to water weight ratio of 1.60, rather than 1.70 as reported in the Office Action. When properly calculated, none of the Examples in Freyn et al. have a flour to water weight ratio ranging from 1.67 to 1.82 as featured in amended claim 1. For convenience, the flour to water weight ratios of the Examples of Freyn et al. are provided in the table below. In the Examples

where liquid eggs were used (Examples 4B, 5A, 5B, 6, and 7), the flour to water weight ratios has been calculated using a water content of 76% wt. for the liquid eggs.

Example	Sample		
	A	B	C
1	1.34	1.42	1.41
2	1.47		
3	1.48		
4	1.42	1.48	
5	1.48	1.48	
6	1.60		
7	1.93		

Since the dough compositions of the Freyn et al. do not include the specific combination of features of claims 1 and 28, including a flour to water weight ratio of 1.67 to 1.82, claims 1 and 28 are not anticipated by Freyn et al. Dependent claims 2, 10-11, and 29-32, which depend from either claim 1 or 28, are also not anticipated for at least the same reasons.

In view of the foregoing, it is respectfully requested that the rejection of claims 1-2, 10-11, 28-32 under 35 U.S.C. §102(b) as being anticipated by Freyn et al. be withdrawn.

Rejection Under 35 U.S.C. §103

Claims 3, 6, and 21-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freyn et al.

The rejection of claims 21-25 is overcome by the amendment to claim 21 presented herein. Specifically, the dough compositions of Freyn et al. do not include the combination of features presented in amended claim 21, including, for example, a flour to water weight ratio ranging from 1.67 to 1.82 (see, discussion above). Claims 22-25 depend from claim 21 and are patentable for at least the same reasons. Claims 3-6 depend from independent claim 1, which has been amended herein to feature a flour to water weight ratio ranging from 1.67 to 1.82. Claim 1 is patentable for the reasons discussed herein. Claims 3-6, which depend from claim 1, are also patentable for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 3, 6, and 21-25 under 35 U.S.C. §103(a) as being unpatentable over Freyn et al. be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance, and respectfully requested that the Application be passed to issue. The Examiner is invited to telephone the Applicants' undersigned representative in the event that such communication is deemed to expedite prosecution of this application.

Respectfully Submitted,

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